

1 **H. B. 2845**

2
3 (By Delegates Williams, Moye, D. Poling, Shaver,
4 Skaff, Hamilton and Rowan)

5 [Introduced January 25, 2011; referred to the
6 Committee on Senior Citizen Issues then Finance.]

7
8
9
10 A BILL to amend and reenact §20-2-27 and §20-2-28 of the Code of
11 West Virginia, 1931, as amended; and to amend said code by
12 adding thereto a new section, designated §20-2-42x, all
13 relating to senior resident lifetime hunting, fishing and
14 trapping license and fee of \$25; and allowing persons who are
15 sixty-five years of age before January 1, 2012, to remain
16 exempt from the purchase of the license.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §20-2-27 and §20-2-28 of the Code of West Virginia, 1931,
19 as amended, be amended and reenacted; and that said code be amended
20 by adding thereto a new section, designated §20-2-42x, all to read
21 as follows:

22 **ARTICLE 2. WILDLIFE RESOURCES.**

23 **§20-2-27. Necessity for license.**

24 Except as otherwise provided by law, no resident who has
25 reached his or her fifteenth birthday and who has not reached his

1 or her sixty-fifth birthday before January 1, 2012, and no
2 nonresident shall at any time take, hunt, pursue, trap for, kill or
3 chase any wild animals, wild birds, or fish for, take, kill or
4 catch any fish, amphibians or aquatic life of any kind whatsoever
5 in this state without first having secured a license or permit and
6 then only during the respective open seasons, except that a
7 nonresident who has not reached his or her fifteenth birthday may
8 fish for, take, kill or catch any fish, amphibians or aquatic life
9 of any kind whatsoever in this state without first having secured
10 a license or permit. ~~No~~ A person under the age of fifteen years
11 shall not hunt or chase any wild animals or wild birds upon lands
12 of another unless accompanied by a licensed adult.

13 A resident or nonresident member of any club, organization or
14 association or persons owning or leasing a game preserve or fish
15 preserve, plant or pond in this state shall not hunt or fish
16 therein without first securing a license or permit as required by
17 law: *Provided, however,* That resident landowners or their resident
18 children, or bona fide resident tenants of ~~such~~ the land, may, without
19 a permit or license, hunt and fish on their own land during open
20 seasons in accordance with laws and ~~regulations~~ rules applying to
21 such hunting and fishing unless ~~such~~ the lands have been designated
22 as a wildlife refuge or preserve.

23 Licenses and permits shall be of the kinds and classes set
24 forth in this article and shall be conditioned upon the payment of
25 the fees established ~~therefor~~ for the licenses and permits.

1 **§20-2-28. When licenses or permits not required.**

2 Persons in the following categories ~~shall~~ are not ~~be~~ required
3 to obtain licenses or permits as indicated:

4 (a) Bona fide resident landowners or their resident children,
5 or resident parents, or bona fide resident tenants of ~~such~~ the land
6 may hunt, trap or fish on their own land during open season in
7 accordance with the laws and ~~regulations~~ rules applying to ~~such~~ the
8 hunting, trapping and fishing without obtaining a license, ~~to do so~~
9 unless ~~such~~ the lands have been designated as a wildlife refuge or
10 preserve.

11 (b) Any bona fide resident of this state who is totally blind
12 may fish in this state without obtaining a fishing license. ~~to do~~
13 ~~so~~ A written statement or certificate from a duly licensed
14 physician of this state showing the resident to be totally blind
15 shall serve in lieu of a fishing license and shall be carried on
16 the person of the resident at all times while he or she is fishing
17 in this state.

18 (c) All residents of West Virginia on active duty in the armed
19 forces of the United States of America, while on leave or furlough,
20 ~~shall have the right and privilege to~~ may hunt, trap or fish in
21 season in West Virginia without obtaining a license. ~~to do so~~
22 Leave or furlough papers shall serve in lieu of any ~~such~~ license
23 and shall be carried on the person at all times while trapping,
24 hunting or fishing.

25 (d) In accordance with the provisions of section twenty-seven

1 of this article, any resident sixty-five years of age or older
2 before January 1, 2012, is not required to have a license to hunt,
3 trap or fish during the legal seasons in West Virginia, but in lieu
4 of ~~such~~ the license ~~any such~~ the person shall at all times while
5 hunting, trapping or fishing carry on his or her person a valid
6 West Virginia driver's license or nondriver identification card
7 issued by the Division of Motor Vehicles.

8 (e) Residents of the state of Maryland who carry hunting or
9 fishing licenses valid in that state may hunt or fish from the West
10 Virginia banks of the Potomac River without obtaining licenses, ~~to~~
11 ~~do so~~ but the hunting or fishing shall be confined to the fish and
12 waterfowl of the river proper and not on its tributaries:
13 *Provided,* That the state of Maryland shall first enter into a
14 reciprocal agreement with the director extending a like privilege
15 of hunting and fishing on the Potomac River from the Maryland banks
16 of ~~said~~ the river to licensed residents of West Virginia without
17 requiring ~~said~~ the residents to obtain Maryland hunting and fishing
18 licenses.

19 (f) Residents of the state of Ohio who carry hunting or
20 fishing licenses valid in that state may hunt or fish on the Ohio
21 River or from the West Virginia banks of the river without
22 obtaining licenses, ~~to do so~~ but the hunting or fishing shall be
23 confined to fish and waterfowl of the river proper and to points on
24 West Virginia tributaries and embayments identified by the
25 director: *Provided,* That the state of Ohio shall first enter into

1 a reciprocal agreement with the director extending a like privilege
2 of hunting and fishing from the Ohio banks of the river to licensed
3 residents of West Virginia without requiring the residents to
4 obtain Ohio hunting and fishing licenses.

5 (g) Any resident of West Virginia who was honorably discharged
6 from the Armed Forces of the United States of America and who
7 receives a veteran's pension based on total permanent
8 service-connected disability as certified to by the Veterans
9 Administration ~~shall be permitted to~~ may hunt, trap or fish in this
10 state without obtaining a license. ~~therefor~~ The director shall
11 propose rules for legislative approval in accordance with the
12 provisions of article three, chapter twenty-nine-a of this code
13 setting forth the procedure for the certification of the veteran,
14 manner of applying for and receiving the certification and
15 requirements as to identification while ~~said~~ the veteran is
16 hunting, trapping or fishing.

17 (h) Any disabled veteran who is a resident of West Virginia
18 and who, as certified to by the Commissioner of Motor Vehicles, is
19 eligible to be exempt from the payment of any fee on account of
20 registration of any motor vehicle owned by ~~such~~ the disabled
21 veteran as provided in section eight, article ten, chapter
22 seventeen-a of this code shall be permitted to hunt, trap or fish
23 in this state without obtaining a license. ~~therefor~~ The director
24 shall propose rules for legislative approval in accordance with the
25 provisions of article three, chapter twenty-nine-a of this code

1 setting forth the procedure for the certification of the disabled
2 veteran, manner of applying for and receiving the certification and
3 requirements as to identification while the disabled veteran is
4 hunting, trapping or fishing.

5 (i) Any resident or inpatient in any state mental health,
6 health or benevolent institution or facility may fish in this
7 state, under proper supervision of the institution involved,
8 without obtaining a fishing license. ~~to do so~~ A written statement
9 or certificate signed by the superintendent of the mental health,
10 health or benevolent institution or facility in which the resident
11 or inpatient, as the case may be, is institutionalized shall serve
12 in lieu of a fishing license and shall be carried on the person of
13 the resident or inpatient at all times while he or she is fishing
14 in this state.

15 (j) Any resident who is developmentally disabled, as certified
16 by a physician and the Director of the Division of Health, may fish
17 in this state without obtaining a fishing license. ~~to do so~~ As
18 used in this section, "developmentally disabled" means a person
19 with a severe, chronic disability which:

20 (1) Is attributable to a mental or physical impairment or a
21 combination of mental and physical impairments;

22 (2) Is manifested before the person attains age twenty-two;

23 (3) Results in substantial functional limitations in three or
24 more of the following areas of major life activity:

25 (A) Self-care;

1 (B) Receptive and expressive language;

2 (C) Learning;

3 (D) Mobility;

4 (E) Self-direction;

5 (F) Capacity for independent living; and

6 (G) Economic self-sufficiency; and

7 (4) Reflects the person's need for a combination and sequence
8 of care, treatment or supportive services which are of lifelong or
9 extended duration and are individually planned and coordinated.

10 (k) A student eighteen years of age or younger receiving
11 instruction in fly fishing in a public, private, parochial or
12 Christian school in this state may fly fish in the state for catch
13 and release only without obtaining a fishing license ~~to do so~~ while
14 under the supervision of an instructor authorized by the school.

15 **§20-2-42x. Class XS resident senior hunting, fishing and trapping**
16 **license.**

17 (a) A Class XS license is a resident senior hunting, fishing
18 and trapping license and entitles the licensee to hunt and trap for
19 all legal species of wild animals and wild birds, to fish for all
20 legal species of fish and to take frogs in all counties of the
21 state, except as prohibited by the rules of the Director or Natural
22 Resources Commission and when additional licenses, stamps or
23 permits are required. No additional fees shall be required of
24 Class XS licensees for a Class CS stamp or a Class O stamp.

25 (b) A Class XS licensee shall be entitled to participate with

1 the same privileges and subject to the same restrictions as a youth
2 hunter in any special youth deer season established by the Natural
3 Resources Commission pursuant to the provisions of subdivision
4 (b) (7), section 17, article one of this chapter.

5 (c) A Class XS license is required for residents or aliens
6 lawfully residing in the United States who have been domiciled
7 residents of West Virginia for a period of thirty consecutive days
8 or more immediately prior to the date of their application for a
9 license and who reach sixty-five years of age on or after January
10 1, 2012.

11 (d) A Class XS license may be voluntarily purchased by
12 residents or aliens lawfully residing in the United States and who
13 have been domiciled residents of West Virginia for a period of
14 thirty consecutive days or more immediately prior to the date of
15 their application for a license and who reach sixty-five years of
16 age on or before December 31, 2011, entitling those persons to the
17 same privileges and subjecting them to the same restrictions as any
18 Class XS licensee.

19 (e) The fee for the Class XS license is \$25.

20 (f) A Class XS license is valid for the lifetime of the
21 purchaser without payment of additional fees for the privileges
22 associated with the Class X license, Class CS stamp and the Class
23 0 stamp. This is a base license and does not require the purchase
24 of a prerequisite license to participate in the activities
25 specified in this section, except as noted.

NOTE: The purpose of this bill is to create a senior resident lifetime hunting, fishing and trapping license that will cost \$25. Persons who are sixty-five years of age before January 1, 2012, are grandfathered in. However, if a person meeting the age requirement wants to purchase a XS license in order to receive the same benefit as youth hunters they will be able.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§20-2-42x is new; therefore, it has been completely underscored.